

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPECIALTY NATIONAL INSURANCE CO.,

No. 1:07-cv-07507 (SHS)

Plaintiff,

v.

**ELECTRONICALLY
FILED**

ENGLISH BROTHERS FUNERAL HOME,

Defendant.

NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that pursuant to Rule 56(b) of the Federal Rules of Civil Procedure and the Court's April 25, 2008 Order, defendant Frank Restivo Funeral Home, Inc. d/b/a English Bros. Funeral Home (named in the caption as English Brothers Funeral Home) ("English Bros."), by and through its attorneys, Kenney Shelton Liptak Nowak LLP, shall move for summary judgment: (1) declaring that plaintiff Specialty National Insurance Company ("Specialty National") must defend English Bros. in each and every underlying lawsuit at issue herein until each such lawsuit is finally resolved on its merits; (2) awarding English Bros. attorneys' fees; (3) dismissing Specialty National's action; and (4) ordering such other relief as the Court finds just and appropriate. In support of its motion, English Bros. attaches: (1) the Memorandum of Law in Opposition to Specialty National Insurance Company's Motion for Summary Judgment and in Support of English Bros. Funeral Home's Cross-Motion for Summary Judgment; (2) English Bros. Funeral Home's Local Rule 56.1 Counter-Statement of Material Facts; (3) the Affidavit of Frank Restivo; and (4) the affidavit of Timothy E. Delahunt. The motion

shall be heard at the Daniel Patrick Moynihan United States Courthouse at 500 Pearl Street, New York, New York upon a date and time to be determined by the Court.

Dated: June 6, 2008

KENNEY SHELTON LIPTAK NOWAK LLP

By: /s/
Timothy E. Delahunt, Esq. (TD-2791)

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Attorneys for defendant English Bros. Funeral Home